

ESTTA Tracking number: **ESTTA769794**

Filing date: **09/09/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following parties oppose registration of the indicated application.

### Opposers Information

Name	San Francisco Baseball Club LLC
Granted to Date of previous extension	09/11/2016
Address	AT&T Park 24 Willie Mays Plaza San Francisco, CA 94107 UNITED STATES

Name	Major League Baseball Properties, Inc.
Granted to Date of previous extension	09/11/2016
Address	245 Park Avenue New York, NY 10167 UNITED STATES

Attorney information	Mary L. Kevlin / Robert J. English COWAN LIEBOWITZ & LATMAN PC 114 WEST 47TH STREET NEW YORK, NY 10036 UNITED STATES trademark@cll.com, rje@ccl.com, kam@ccl.com, mlk@ccl.com, las@ccl.com, njh@ccl.com Phone:212-790-9200
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### Applicant Information

Application No	86786553	Publication date	03/15/2016
Opposition Filing Date	09/09/2016	Opposition Period Ends	09/11/2016
Applicant	Power, John Casey P.O. Box 114 The Sea Ranch, CA 95497 UNITED STATES		

### Goods/Services Affected by Opposition

Class 043. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Restaurant and caf   services; Restaurant services

### Grounds for Opposition

Other	see attached pleading
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Attachments	CANDLESTICK PARK - NOO.pdf(405626 bytes ) CANDLESTICK PARK - Letter to Commissioner.pdf(76929 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Robert J. English/
Name	Robert J. English
Date	09/09/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 86/786,553  
Filed: October 13, 2015  
Published: March 15, 2016  
For Mark: CANDLESTICK PARK

MAJOR LEAGUE BASEBALL PROPERTIES,  
INC.; SAN FRANCISCO BASEBALL  
ASSOCIATES LLC,

Opposers,

v.

JOHN CASEY POWER,

Applicant.

Opposition No.

**CONSOLIDATED NOTICE OF  
OPPOSITION**

Commissioner for Trademarks  
Attn: Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Opposers, San Francisco Baseball Club LLC, a Delaware limited liability company, with offices at AT&T Park, 24 Willie Mays Plaza, San Francisco, California 94107 (“Opposer Giants”), and Major League Baseball Properties, Inc., a New York corporation, with offices at 245 Park Avenue, New York, New York 10167 (“Opposer MLBP”) (together, “Opposers”), believe that they will be damaged by registration of the standard character mark CANDLESTICK PARK (“Applicant’s Mark”) for “Restaurant and café services; Restaurant services” in International Class 43, as shown in Application Serial No. 86/786,553 (the “Application”), and having been granted extensions of time to oppose up to and including September 11, 2016, hereby oppose the same.

As grounds for opposition, it is alleged that:

1. Opposer San Francisco Baseball Club LLC (the “Giants Club”) is the owner of the renowned SAN FRANCISCO GIANTS MAJOR LEAGUE BASEBALL club.
2. Opposer MLB is the licensing agent for the thirty Major League Baseball clubs (the “MLB Clubs”), including, without limitation, the Opposer Giants, and is a licensee of, and licensing agent for, all of the MLB Clubs, including the Opposer Giants. Opposer MLB is a licensee of, and a licensing agent for the names and marks of the Opposer Giants. In addition, the Opposer Giants is a licensee of and uses Opposer MLB’s marks.
3. The Candlestick Park ballpark has an important place in the Giants Club’s history and identity. Candlestick Park was originally built as part of the negotiations leading up to the Giants Club’s move from New York to San Francisco in 1960, where it remained until 2000. On opening day at Candlestick Park, then Vice-President Richard Nixon threw out the ceremonial first pitch. The notoriety of Candlestick Park also comes from the fact that it became well-known within Major League Baseball for its windy and cold conditions, causing Hall of Famer Willie Mays, a former Giants Club player, to claim the wind cost him over 100 home runs. After forty years, the Giants Club moved in 2000 to Pacific Bell Park, now named AT&T Park. Although the Candlestick Park ballpark has been demolished, the ballpark remains closely and uniquely associated with the history and identity of Major League Baseball and the Giants Club. For example, AT&T Park still retains Candlestick Park’s history with “Candlestick Suite,” a suite that offers food and beverage packages for guests and contains seats of the former stadium and photos and memorabilia of the former stadium.

4. Since prior to October 13, 2015, Applicant's constructive first use date, Opposers continue to use the CANDLESTICK PARK name and mark (Opposers' CANDLESTICK PARK Name and Mark), which is closely associated with Opposers' history and identity, and Opposer Giants continues to use the CANDLESTICK SUITE name and mark (collectively with Opposers' CANDLESTICK PARK Name and Mark "Opposers' CANDLESTICK Names and Marks), in connection with a wide variety of goods and services, including, but not limited to, food and beverage related services, baseball game and entertainment services, and baseball memorabilia, and have sold or distributed such goods and rendered such services in commerce.

5. On October 13, 2015, Applicant filed the Application for Applicant's Mark for "Restaurant and café services; Restaurant services" in International Class 43, based on an intent to use.

6. Upon information and belief, Applicant did not use Applicant's Mark for the services covered in the Application in United States commerce prior to his constructive first use date of October 13, 2015.

7. The services covered by the Application are identical and/or closely related to the goods and services offered in connection with Opposers' CANDLESTICK Names and Marks.

8. Applicant's Mark so resembles Opposers' CANDLESTICK Names and Marks as to be likely, when used in connection with Applicant's services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's services have their origin with Opposers and/or that such goods are approved, endorsed or sponsored by Opposers or associated in some way with Opposers. Opposers would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's Mark.

9. Opposers would be further injured by the granting of a certificate of registration to Applicant because Applicant's Mark, which is a close approximation of Opposers' identity and which points uniquely to Opposers, when used in connection with the applied-for services, would falsely suggest a connection between Applicant, who has no connection with or authorization from Opposers.

WHEREFORE, Opposers believe that they will be damaged by registration of Applicant's Mark and request that the consolidated opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposers in this proceeding Mary L. Kevlin, Richard Mandel and Krystil McDowall (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 114 West 47th Street, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York  
September 9, 2016

Respectfully submitted,

COWAN LIEBOWITZ & LATMAN, P.C.  
Attorneys for Opposer

By: /Robert J. English/

Mary L. Kevlin  
Richard S. Mandel  
Krystil McDowall  
Robert J. English  
114 West 47th Street  
New York, New York 10036  
(212) 790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on September 9, 2016, I caused a true and complete copy of the foregoing Consolidated Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant and Applicant's Correspondent of Record, John Casey Power, P.O. Box 114, The Sea Ranch, California 95497.

Dated: New York, New York  
September 9, 2016

\_\_\_\_\_  
/Robert J. English/  
Robert J. English





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**Robert J. English**  
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September 9, 2016

**By Electronic Filing**

Commissioner for Trademarks  
Attn: TTAB  
P.O. Box 1451  
Alexandria, VA 22313-1451

Re: Major League Baseball Properties, Inc. and  
San Francisco Baseball Associates LLC  
Notice of Opposition Against  
John Casey Power  
Application to register  
**CANDLESTICK PARK**  
Ref. No. 21307.023

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 86/786,553, published in the Official Gazette on March 15, 2016. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$600 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Robert J. English/  
Robert J. English

Enclosures

cc: Ms. Diane Kovach (w/encs.)  
Mary L. Kevlin, Esq. (w/encs.)